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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,094	01/29/2004	Robert F. Debrody	202500-767	4601

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EXAMINER

LUGO, CARLOS

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,094

Applicant(s)

DEBRODY ET AL.

Examiner

Carlos Lugo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 13-15, 19-22 and 25-30 is/are rejected.
- 7) ☒ Claim(s) 5, 7-12, 16-18, 23 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to applicant's preliminary amendment filed on February 17, 2004.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-4,6,13,14 and 30 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,848,771 to Hancock-Bogese et al (Hancock).

Regarding claims 1 and 30, Hancock discloses a bi-directional locking device and locking seal that includes a locking arrangement for receiving and locking a shackle (12) that includes at least one locking element (22).

The locking arrangement comprises a body (30) defining a chamber. The chamber has a longitudinal axis that defines a longitudinal direction (Figures 6 and 7).

The body includes opposite top and bottom ends defining openings in communication with the chamber in the longitudinal direction.

A plurality of resilient fingers (40 and 44) is positioned in the chamber and extending in a direction toward each other in the longitudinal direction (Figure 4). The plurality of fingers each is positioned to allow passage of the at least one

locking element of the shackle in first and second opposite insertion longitudinal directions through either the top or the bottom opening (Figures 6 and 7).

At least one of the fingers is for locking engaging the at least one locking element shoulder (a surface of 22) in response to the shackle movement in a direction opposite to the insertion direction to lock the shackle to the engaged finger in the opposite direction (Figures 6 and 7).

As to claim 2, Hancock discloses that the fingers terminate at a respective corresponding tip portion (the end part of 40 and 44, Figure 4) which abut with and lock with the locking member in response to the shackle movement in the opposite direction.

As to claim 3, Hancock illustrates that the fingers (40 or 44) extends from a region adjacent the top end and locks with the shackle locking element shoulder when the shackle insertion direction is through the top opening and the shackle is moved in the opposite direction to the shackle insertion direction. The second finger (40 or 44) extends from region adjacent to the bottom end and locks with the shackle locking element shoulder when the shackle insertion direction is through the bottom opening and the shackle is moved in the opposite direction to the shackle insertion direction (Figures 6 and 7).

As to claim 4, Hancock discloses that the fingers are transversely resilient relative to the longitudinal direction so that each finger is resiliently transversely deflected relative to the longitudinal direction in response to passage of the locking element of the shackle in the chamber.

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As to claim 6, Hancock discloses that the plurality of fingers includes at least one top and one bottom finger that are in a mirror relationship.

As to claim 13, Hancock illustrates that the finger tip portions terminate at a chamfered edge (where 40 and 44 points in Figure 4).

As to claim 14, Hancock discloses that the fingers are integrally molded one piece with the top and bottom ends.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 15,19-22, and 25-29 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,848,771 to Hancock-Bogese et al (Hancock) as applied to claim 1 above (for claims 15 and 19), and further in view of US Pat No 5,568,952 to Ruegg.

As to claims 15,19,25,26,28, and 29, Hancock fails to disclose that the device includes a socket that receives the locking arrangement. Hancock discloses that the device and the locking arrangement are a one-piece embodiment.

Ruegg teaches that it is well known in the art to have a socket (20) and a locking arrangement (40 and 41) as two separate members.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a device as a separate member receiving a locking

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arrangement, as taught by Ruegg, into a device as described by Hancock, since having separate members instead of a one-piece member is a design consideration within the art.

As to claims 20 and 27, Hancock, as modified by Ruegg, discloses that the device includes a flag structure attached to the socket.

As to claim 21, Hancock, as modified by Ruegg, discloses that the insert is substantially cylindrical.

As to claim 22, Hancock discloses that the body has a plurality of sidewalls defining the chamber space.

Allowable Subject Matter

6. **Claims 5,7,8,18, and 23 are objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 9-12,16,17, and 24 would also be allowed because the claims depend from claims 5,8 and 23 respectively.

Reasons For Allowable subject Matter

7. The following is an examiner's statement of reasons for allowable subject matter:

Claims 5,7,8,18, and 23 presents allowable subject matter over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the plurality of fingers includes a pair of top and bottom fingers extending toward each other (claims 5 and 18); that the top and bottom fingers includes a channel that extends at an angle

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inclined toward the longitudinal axis (claims 7 and 8); and that the locking element abuts an inner wall while the locking element shoulder is locked by the fingers (claim 23).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 703-305-9747. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.

Carlos Lugo
AU 3676

March 15, 2005.



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
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